

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.2.403 pertaining to)	AMENDMENT
diagnostic laboratory fees)	
)	NO PUBLIC HEARING
)	CONTEMPLATED

To: All Concerned Persons

1. On July 15, 2013 the Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on June 26, 2013, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

32.2.403 DIAGNOSTIC LABORATORY FEES (1) The following list identifies the laboratory test services and procedures available at through the Montana Department of Livestock ~~✓~~Veterinary ~~e~~Diagnostic ~~L~~Laboratory (laboratory MVDL), and the associated fees charged for each of those services, and/or procedures:

(a) Acceptance of specimens for diagnostic testing signifies contractual agreement between MVDL and our client.

(b) All submitted specimens become the property of MVDL.

(c) Submitted specimens may be subjected to additional testing as determined by state or federal animal or foreign animal disease surveillance mandates at no additional expense to our clients.

~~(1) (2)~~ (2) Abortion studies, livestock ~~(use abortion kits, instructions and SV43 form provided):~~

(a) histopathology and aerobic, brucella, campylobacter, trichomonas cultures and darkfield examination	\$40.00	<u>\$50.00</u>
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~~(2) (3)~~ (3) Bacteriology ~~(specify culture site/specimen, use SV43 form):~~

~~(a) aerobic culture (refrigerated specimen/ culturette):~~

(i) identify one isolate	\$14.00	<u>\$15.00</u>
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(ii) additional isolates	each \$5.00	<u>\$6.00 each</u>
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~~(b) anaerobic culture: (facultative; use anaerobic culturette)~~

(i) one	\$15.00	<u>\$18.00</u>
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(ii) <u>additional</u>		\$6.00
(c) <u>antibiotic sensitivity (per isolate)</u>		\$7.00 <u>10.00</u>
(d) <u>Campylobacter (livestock reproductive disease)</u>		\$11.00 <u>\$12.00</u>
(i) <u>preputial wash, fetal membranes, fetal abomasal fluid; campy transport</u>		
media required		contact lab
(e) <u>Campylobacter (intestinal contents)</u>		\$11.00
(f) (e) <u>CEM contagious equine metritis (CEM) culture (talorellar equengenitales)</u>		contact lab
(g) (f) <u>chlamydial ELISA (moistened swab; fresh, affected tissue; placenta)</u>		\$17.00 <u>\$20.00</u>
(h) (g) <u>clostridium FA (fresh, refrigerated tissue from affected site)</u>		\$11.00 <u>\$12.00</u>
(i) <u>clostridium perfringens genotyping (fresh small intestinal contents; colony of isolate)</u>		cost of referral
(j) (h) <u>dermatophyte culture and PAS stain (skin scraping including hair)</u>		\$25.00
(k) (i) <u>direct microscopy</u>		\$7.00 <u>\$8.00</u>
(l) (j) <u>fecal occult blood</u>	\$5.00 each or \$7.00	\$8.00 minimum
(m) <u>listeria (environmental swabs)</u>		\$32.00
(n) <u>listeria culture</u>		contact lab
(o) (k) <u>mycoplasma culture (fresh tissue, milk or culturette) (spectation -referral)</u>		\$13.00 <u>\$15.00</u>
(p) (l) <u>nondermatophyte fungal culture (fresh specimen)</u>		\$20.00 <u>\$22.00</u>
(q) (m) <u>salmonella enteritis (environmental samples)</u>	<u>\$18.00 each/contact lab</u>	
(r) <u>special requests</u>		contact lab
(s) (n) <u>trichomonas foetus culture (call laboratory if arrival will be on a weekend [do not freeze], use SV69) preputial wash, uterine discharge, fetal abomasal fluid (in pouch):</u>		
(i) <u>1 to 100</u>		\$5.50 <u>\$6.00</u>
(ii) <u>101 to 500</u>		<u>\$5.50</u>
(iii) <u>501 or more</u>		<u>\$5.00</u>
(3) (4) <u>Clinical Pathology (use form SV43R):</u>		
(a) <u>clinical profiles (1 cc serum, whole blood, slides):</u>		
(i) <u>small animal (SA) health screen (SA chem panel, CBC/differential, UA)</u>		\$40.00 <u>\$44.00</u>
(ii) <u>SA clinical profile -(SA chem panel, CBC/differential)</u>		\$30.00 <u>\$33.00</u>
(iii) <u>SA pre-anesthetic profile -(BUN, CRE, ALT, ALP, Glu, TP, CBC/differential)</u>		\$22.00 <u>\$24.00</u>
(iv) <u>large animal (LA) health screen -(LA chem panel, CBC/differential, fibrinogen, UA)</u>		\$40.00 <u>\$44.00</u>
(v) <u>LA clinical profile -(LA chem panel, CBC/differential, fibrinogen)</u>		\$30.00 <u>\$33.00</u>
(vi) <u>LA pre-anesthetic profile -(BUN, GGT, AST, CK, CBC/differential, fibrinogen)</u>		\$23.00
(vii) (vi) <u>feline ADR profile -(SA chem panel, T4, CBC/differential, FeLV, FIV, FIA)</u>		\$60.00 <u>\$66.00</u>
(viii) (vii) <u>equine fitness profile -(AST, GGT, TBili, CK, TP, ALB, Glob, Ca,</u>		

PO4, Na, K, CL, TCO2, CBC/differential, fibrinogen)	\$25.00	<u>\$32.00</u>
(b) mini-profiles (1 cc serum) <u>biochemistry panels:</u>		
(i) SA hepatic profile - (ALT, AST, ALP, GGT, TBili, DBili, TP, ALB, Glob, Chol, BUN, Glu) <u>panel</u>	\$15.00	<u>\$20.00</u>
(ii) SA renal profile - (BUN, CRE, TP, ALB, Glob, Ca, PO4, Na, K, CL TCO2) <u>panel</u>	\$15.00	<u>\$20.00</u>
(iii) LA hepatic profile - (GGT, AST, TBili, TP, ALB)		<u>\$11.00</u>
(iv) LA renal profile - (BUN, CRE, TP, ALB, Ca, PO4, Na, K, Cl)		<u>\$12.00</u>
(v) SA/LA animal gastrointestinal profile - (TP, ALB, Na, K, Cl)		<u>\$10.00</u>
(vi) exocrine pancreatic profile (BUN, Ca, TP, ALB, Glu, ALP, ALT, AST, Chol, Amylase)		<u>\$15.00</u>
(vii) (iii) canine endocrine profile - (Ca, PO4, TP, ALB, ALP, ALT, AST, Chol, T4, Na, K, CL Glu) <u>panel</u>	\$21.00	<u>\$23.00</u>
(viii) feline thyroid profile - (ALP, ALT, AST, T4, BUN, CRE, PO4)		<u>\$12.00</u>
(ix) (iv) electrolytes (Na, K, CL, TCO2) <u>panel</u>	\$8.00	<u>\$10.00</u>
(x) (v) LA electrolyte panel (Na, k, CL, TCO2, Ca, Mg, PO4) <u>expanded electrolyte panel</u>	\$12.00	<u>\$15.00</u>
(vi) feline geriatric panel		<u>\$14.00</u>
(c) <u>biochemical panels (1 cc serum):</u>		<u>\$22.00</u>
(i) (vii) SA chem panel (CK, AST, ALT, ALP, Glu, Chol, TP, Alb, Glob, Ca, PO4, BUN, creat, TBili, DBili, Na, K, Cl, CO2, Amylase)	\$22.00	<u>\$25.00</u>
(ii) (viii) LA chem panel (BUN, creat, TBili, DBili, Na, K, Cl, CO2, Mg)	\$22.00	<u>\$25.00</u>
(d) (c) <u>urine evaluation (5-10 cc urine):</u>		
(i) urinalysis - (chemical, specific gravity, sediment evaluation)	\$11.00	<u>\$12.00</u>
(ii) urinalysis with culture/sensitivity	\$30.00	<u>\$34.00</u>
(e) (d) Individual Biochemical Tests (1/2 cc serum, or 1 cc if combined with other tests) <u>endocrinology:</u>		
(i) canine thyroid panel (cTT4, cTSH, vFT4, TT3)	\$24.00	<u>\$28.00</u>
(ii) thyroid panel other than canine (TT4, vFT4, TT3) <u>feline & equine</u>	\$19.00	<u>\$24.00</u>
(iii) canine total T4 (cTT4)	\$8.00	<u>\$10.00</u>
(iv) total T4 (TT4) feline & equine	\$8.00	<u>\$10.00</u>
(v) canine TSH (cTSH) canine specific	\$8.00	<u>\$10.00</u>
(vi) free T4 (Veterinary vFT4) canine, feline, equine	\$8.00	<u>\$10.00</u>
(vii) total T3 (TT3) canine, feline, equine	\$8.00	<u>\$10.00</u>
(viii) cortisol canine, feline, equine (serum only) single test		
for baseline per sample studies	\$13.00	<u>\$15.00 each</u>
(e) <u>other serum chemistry:</u>		
(ix) (i) bile acid	\$22.00 or 2 for \$32.00	<u>\$24.00 each</u>
(ii) bile acid (pre and post)		<u>\$34.00</u>
(x) (iii) phenobarbital	\$22.00	<u>\$24.00</u>
(xi) (iv) PLI (pancreatic-like lipase immunoreactivity) canine, feline 12-hour fasting		<u>\$22.50</u>
(xii) (v) miscellaneous individual biochemical tests	call for price	<u>contact lab</u>
(f) <u>Hematology (whole blood, slides):</u>		

(i) SA/LA CBC (RBC, HGB, HCT, MCV, MCH, MCHC, CBC/differential platelet, plasma protein, reticulocyte if indicated, PP, hemotropic parasite screen) with differential	\$12.00	<u>\$15.00</u>
(ii) LA CBC (RBC, HGB, HCT, MCV, MCH, MCHC, WBC/differential platelet, plasma protein, reticulocyte if indicated, PP, hemotropic parasite screen, fibrinogen)		<u>\$12.00</u>
(iii) (ii) SA/LA CBC without differential	\$5.25	<u>\$6.50</u>
(iv) (iii) reticulocyte count	\$5.25	<u>\$6.50</u>
(v) (iv) hemotropic parasite screen	\$3.00	<u>\$4.00</u>
(vi) (v) fibrinogen	\$3.00	<u>\$4.00</u>
(vii) (vi) feline anemia panel -SA CBC, FeLV, FIV, FIA	\$33.00	<u>\$36.00</u>
(g) Cytology:		
(i) solid tissue -FNA, Imprint, Smear	\$28.00	<u>\$34.00</u>
(ii) bone marrow cytology	\$32.00	<u>\$40.00</u>
(iii) fluid analysis -total cell count, TP, SG, cytology	\$28.00	<u>\$36.00</u>
(iv) fluid smear (cytology only)		<u>\$24.00</u>
(v) CSF analysis -SG, microprotein, cytospin, cytology		<u>\$22.50</u>
(vi) (iv) CSF analysis with microprotein referral	\$28.00	<u>\$24.00</u> + plus referral
(h) Miscellaneous Tests:		
(i) blood cross match -whole blood, serum; donor and recipient	\$12.00	<u>\$15.00</u>
(ii) buffy coat exam -whole blood	\$22.00	<u>\$30.00</u>
(iii) coagulation tests -PT, APTT, FBR, FDP panel	\$18.00 each	<u>\$80.00</u>
(iv) individual coagulation test		<u>\$20.00</u>
(iv) (v) canine direct coombs -canine, EDTA whole blood		<u>\$30.00</u>
(v) bovine immunoglobulin -IgG1 (0.5cc serum)		<u>\$12.00</u>
(vi) equine immunoglobulin -IgG1 (0.5cc serum)		<u>\$12.50</u>
(4) (5) Histology -10% formalin fixed tissue (use SV43 form):		
(a) routine H&E -charged as number of slides per biopsy submitted:		
(i) 1 to 3 slides	\$28.00	<u>\$34.00</u>
(ii) 4 to 6 slides	\$34.00	<u>\$40.00</u>
(iii) 7 to 10 slides	\$40.00	<u>\$46.00</u>
(iv) 11 slides or more	\$45.00	<u>\$52.00</u>
(b) duplicate H&E (1 to 3)	\$10.00	<u>\$17.00</u>
(i) each additional slide		<u>\$5.00</u>
(c) immunohistochemistry -charged per antibody (subject to pathologists' discretion)		<u>\$25.00</u>
(d) special stains -charged per stain (subject to pathologists' discretion)		<u>\$8.00</u>
(e) special preparation	minimum \$8.00	<u>minimum</u>
(f) decalcification/keratin		<u>\$8.00</u>
(g) bulk research slide prep staining only	\$3.50 per slide + \$22.00/hour	
(5) (6) Milk Testing (use SV43 form):		
(a) remains the same.		
(b) antibiotic (charm testing, cost range for antibiotic tested)		<u>\$12.00 to \$23.00</u>
(c) remains the same.		

(d) coliform <u>count</u> (milk or water)	\$5.00
(e) component (butterfat)	\$1.00
(f) gerber (ice cream fat)	\$3.00
(g) listeria culture –see Bacteriology section (<u>up to 3 environmental swabs</u>)	\$32.00
(h) majonnier (cheese and cottage cheese fat)	\$12.50
(i) pesticide (organophosphate and carbamates)	minimum charge \$24.00 <u>minimum</u>
(j) pesticide (chlorinated hydrocarbons)	minimum charge \$210.00 <u>minimum</u>
(k) phosphatase (pasteurization)	\$6.00
(l) through (n) remain the same.	
(o) yeast and mold	\$5.00 <u>\$5.50</u>
(p) laboratory certification review	contact lab
(q) organizational fee	minimum charge \$40.00
(6) (7) Miscellaneous Tests and Special Requests (use SV43 form):	
(a) bovine IgG1 (0.5 cc serum)	\$12.00 <u>\$15.00</u>
(b) camelid IgG with total protein	contact lab <u>\$15.00</u>
(c) equine IgG1 (0.5 cc serum)	\$12.50 <u>\$15.00</u>
(d) ocular nitrate (0.5 cc aqueous humor)	\$12.00 <u>\$14.00</u>
(e) organization fee (submission abuse)	each \$1.00 <u>\$60.00/hour</u>
(f) duplicate test result reporting (fax/mail/e-mail)	\$2.00 <u>\$3.00</u>
(g) after hour fee (pathologist)	\$50.00 <u>up to \$85.00</u>
(h) stat fee (defined as immediate testing required, clinical pathology only)	call in advance \$15.00
(i) minimum laboratory fee	\$7.00 <u>\$8.00</u>
(j) referral testing	fees for referral lab testing fee + shipping cost plus \$7.00 and \$8.00 <u>handling</u>
(7) (8) Necropsy –includes gross examination, histopathology and cultures (per pathologists' discretion). Prices may not include carcass disposal. Contact laboratory for procedural instructions. Euthanasia must be performed at animal departure point unless recommended otherwise by pathologist (use SV43 form and provide complete history):	
(a) cattle and horses (routine):	
(i) fetus	\$60.00 <u>\$70.00 + carcass disposal (cd)</u>
(ii) less than 150 lbs	\$75.00 <u>\$85.00 + cd</u>
(iii) 150 to 500 lbs	\$100.00 <u>\$110 + cd</u>
(iv) more than 500 lbs	\$140.00 <u>\$150.00 + cd</u>
(b) sheep and goats <u>small ruminants</u> :	
(i) fetuses (same dam)	\$60.00 <u>\$70.00 + cd</u>
(ii) up to 20 lbs	\$60.00 <u>\$70.00 + cd</u>
(iii) more than 20 lbs	\$75.00 <u>\$85.00 + cd</u>
(c) swine:	
(i) fetuses (same litter)	\$60.00 <u>\$70 + cd</u>
(ii) less than 25 lbs	\$60.00 <u>\$70 + cd</u>
(iii) 25 to 250 lbs	\$75.00 <u>\$85.00 + cd</u>
(iv) more than 250 lbs	\$100.00 <u>\$110 + cd</u>

- (d) dogs and cats \$100.00 \$110 + cd
- (e) other species minimum charge \$40.00 minimum
- (f) carcass disposal (incineration):
- (i) companion animals \$25.00 to ~~\$85.00~~ \$100.00
- (ii) livestock ~~\$20.00~~ \$25.00 per 100 wt.
- (g) and (h) remain the same.
- (i) spinal cord removal \pm ~~in addition to necropsy fee;~~ \$45.00 to ~~\$80.00~~
- (i) small animal \$50.00
- (ii) large animal \$100.00
- (j) transmissible encephalopathies:
- (i) necropsies minimum charge \$125.00 minimum + cd
- (ii) brain removal only minimum charge \$30.00 minimum + cd
- (iii) IHC and /ELISA/WB testing fees for referral lab testing fee,
 \pm shipping cost and \$7.00 \$8.00 handling
- ~~(8) (9) Livestock Neonatal Diarrhea Studies; (kits) — includes histopathology, routine bacteriology and, as history and age of animal dictate, additional testing for E. coli, viral agents, Cryptosporidia, endoparasitism and IGG1 level determination (use SV43 form and instructions provided with kit) \$85.00 \$95.00~~
- ~~(9) (10) Parasitology (use SV43 form):~~
- (a) ~~adult parasite or arthropod identification (referral)~~ ~~\$25.00~~ \$27.00
- (b) cryptosporidia exam (1-gm. feces) ~~\$6.00~~ \$8.00 minimum
- (c) dirofilaria immitis (~~heartworm~~) ELISA screening (1-cc serum) ~~\$9.00~~
- (d) with confirmation (1-cc serum) \$13.00 \$8.00
- (e) fecal flotation (3-gm fresh feces) \$10.00
- (f) giardia ELISA; feces ~~\$25.00~~ \$28.00
- (g) special parasite ID procedures Contact lab
- ~~(10) (11) PCR Testing:~~
- (a) ~~(c) tritrichomonas foetus (call laboratory if arrival will be on a weekend [do not freeze] use SV69 obtained from Montana State Veterinarian, Helena)~~ \$27.00/sample
- (i) pooled (5 samples) \$50.00
- (ii) retest in positive pools \$27.00/sample
- ~~(b) (a) BVD~~ ~~\$35.00~~ \$30.00
- (c) remains the same but is renumbered (b).
- (d) other PCR \$25.00 to \$50.00
- ~~(11) (12) Rabies (use SV43 form) (coincide specimen arrival with laboratory working hours) — submit entire brain or head in refrigerated, fresh state. Do not submit live animals:~~
- (a) FA examination (small animal) ~~\$25.00~~ \$30.00
- (b) FA examination (large animal) ~~\$50.00~~ \$55.00
- (c) carcass disposal (~~does not apply to~~ except bats or small rodents) see Necropsy Carcass Disposal
- ~~(12) (13) Serology — large animal; (use SV2A for all below except EIA. [Use federal form VS 10-11 for EIA.] Submit samples in red top Vacutainer tubes. Tail bleeders acceptable only for bovine brucellosis testing). Note: 5cc blood in red top tube yields approximately 1.5cc serum.~~
- (a) anaplasmosis (~~e~~ELISA; 0.5cc serum required) ~~\$7.50~~ \$7.00

(b) avian influenza (AGID; 0.5cc serum):	
(i) through (iv) remain the same.	
(c) bluetongue (AGID; 0.5cc serum)	\$5.50 \$6.00
(d) bluetongue (eELISA; 0.5cc serum):	
(i) 1 to 100	\$8.25
(ii) 101 to 500	\$6.00
(iii) 501 or more	\$3.50
(e) bovine leukemia virus (ELISA; 1cc serum):	
(i) 1 to 100	\$6.50
(ii) 101-500	\$5.50
(iii) 501 or more	\$3.50
(f) bovine respiratory syncytial virus BRSV (SN; 1cc serum)	\$6.50
(g) bovine virus diarrhea type 1 and 2 I and II (SN; 1cc serum)	\$13.00
(h) bovine virus diarrhea (ELISA; 1cc serum or ½ sq. inch ear notch)	\$5.00
(i) (h) calves under 3 months ear notch only over 100 samples	each \$4.00
caprine progressive pneumonia:	
(i) AGID	\$6.00
(ii) ELISA	\$6.00
(j) (i) brucella abortus (1.5cc serum for series; no charge for slaughter samples):	
(i) card, BAPA, FP or RAP	each \$1.50 each
(ii) CF, RAP, Rivanol, SPT, or STT	each \$2.50 each
(k) (j) brucella ovis (ELISA; .5cc serum)	\$7.50
(l) (k) epizootic hemorrhagic disease (AGID; 0.5cc serum)	\$10.00
(m) (l) equine infectious anemia (AGID-[Goggins]; .5cc serum):	
(i) 1 to 15 samples	each \$7.00 each
(ii) 16 to 50 samples	each \$5.50 each
(iii) over 50 samples 51 or more	each \$4.50 each
(n) (m) equine infectious anemia (eELISA; 0.5cc serum):	
(i) 1 to 15 samples	\$12.50
(ii) 16 to 50 samples	\$10.00
(iii) 51 or more	\$9.00
(o) (n) infectious bovine rhinotracheitis (SN; 1cc serum)	\$6.50
(p) (o) johne's ELISA [paratuberculosis] (ELISA; .05cc serum):	
(i) 1 to 100	\$7.50
(ii) 101 to 500	\$5.50
(iii) 501 or more	\$3.50
(q) (p) leptospirosis MAT (8 5 routine serovars-L aut, L bra, L can, L grp, L har, L ict, L pom, L tara) MAT; 1cc serum:	\$7.00 \$10.00
(i) leptospirosis individual MAT	\$2.00 each serovar
(r) (q) ovine progressive pneumonia/caprine arthritis encephalitis:	
(i) AGID	\$5.50 \$6.00
(ii) ELISA (0.5cc serum)	\$6.00
(s) (r) parainfluenza-3 (HA; 1cc serum)	\$5.00
(t) (s) pseudorabies (ELISA; 1cc serum) gB-ELISA	\$5.50
(u) (t) salmonella pullorum (MAT; 0.5cc serum)	\$4.50

(v) <u>(u)</u> vesicular stomatitis (CF; 1cc serum) (transport only; diagnostic)	contact lab - \$45.00
(w) <u>(v)</u> vesicular stomatitis - New Jersey and Indiana - (NJ, IN SN; 1cc serum)	\$13.00
(x) <u>(w)</u> west nile virus (IgM ELISA; 1cc serum): referral	<u>\$50.00</u>
<u>(x) prices for large shipments (over 200) may be negotiated based on individual cost.</u>	
(i) May through October	contact lab
(ii) November through April	referral
(13) <u>(14)</u> Serology – small animal (use SV43 form):	
(a) brucella canis (C-card; 0.5cc serum)	\$22.00 <u>contact lab</u>
(b) feline infectious peritonitis (ELISA; 0.5cc serum)	\$25.00 <u>\$27.00</u>
(c) feline leukemia virus (ELISA; 0.5cc serum)	\$15.00 <u>\$17.00</u>
(d) feline leukemia/feline immunodeficiency virus (ELISA; 0.5cc serum)	\$25.00 <u>\$27.00</u>
(14) remains the same but is renumbered (15).	
(15) <u>(16)</u> Virology (use SV43 form):	
<u>(a) bovine leukemia virus ELISA:</u>	
<u>(i) 1 to 100</u>	<u>\$6.50</u>
<u>(ii) 101 to 500</u>	<u>\$5.50</u>
<u>(iii) 501 or more</u>	<u>\$3.50</u>
(a) <u>(b)</u> bovine virus diarrhea (see above under serology - use SV2A serology form) <u>ELISA:</u>	
<u>(i) 1 to 100 samples</u>	<u>\$5.00 each</u>
<u>(ii) 101 or more</u>	<u>\$4.00 each</u>
(b) <u>(c)</u> canine parvovirus (ELISA; feces)	\$20.00 <u>\$24.00</u>
(c) <u>(d)</u> electron microscopy (where applicable)	\$25.00 <u>\$30.00</u>
(d) <u>(e)</u> fluorescent antibody testing BRSV, BVD, bovine coronavirus, EHV-1, IBR, leptospira, or PI-3	\$8.00/agent <u>each</u>
<u>(f) leptospirosis MAT</u>	<u>\$10.00</u>
<u>(i) 2 servars</u>	<u>\$2.00</u>
<u>(g) pseudorabies LA/bB ELISA</u>	<u>\$5.50</u>
(e) <u>(h)</u> rotavirus (ELISA; feces)	<u>\$25.00</u>
<u>(f) (i) virus isolation (livestock only)</u>	<u>\$25.00/virus</u>
(16) <u>(17)</u> Miscellaneous charges/supplies:	
(a) culturette <u>(3 swabs)</u>	\$3.50 <u>\$3.00</u>
(b) remains the same.	
(c) handling fee	\$7.00 <u>plus \$8.00 + shipping</u>
(d) remains the same.	
(e) large shipper	\$11.50 <u>\$18.75</u>
(f) minimum fee	\$7.00 <u>\$8.00</u>
(g) remains the same.	
(h) organizational fee (submission abuse)	\$1.00 <u>minimum</u>
	<u>\$60.00/hour minimum</u>
(i) referral testing	referral lab testing cost plus <u>fee + mailing costs and \$6.00</u> <u>\$8.00</u> handling fee
(j) and (k) remain the same.	

(17) and (18) remain the same but are renumbered (18) and (19).

AUTH: 81-1-102, 81-2-102, MCA
IMP: 81-1-301, 81-1-302, 81-2-102, MCA

REASON: The diagnostic laboratory has implemented new tests at the request of producers. New test fees have been established and are published in this proposal. Fees for the new tests must, by statute, be set at levels commensurate with the costs of performing the tests or services listed. Fees for each procedure and test were evaluated determining the cost of the test materials and labor for performance of the test. The fees were compared to regional government funded diagnostic laboratories and a private veterinary laboratory. The fees were adjusted to be competitive with these laboratories and to offset inflationary costs. The laboratory must continue to provide a utilized service to the Montana livestock industry in order to assure that a vital function and mission of the laboratory regarding disease surveillance is not compromised. Fees on existing lab procedures remain the same; however, the rule has been reformatted to provide clarity and a more user friendly document.

The increased fees charged by the department's diagnostic laboratory will potentially affect approximately 25,000 people who may use services at the laboratory. The cumulative amount of the fee increase will be \$40,000.00 based on this number of lab users.

4. Concerned persons may submit their data, views, or arguments in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., July 8, 2013.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., July 8, 2013.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the population of the state.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-

mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA do not apply.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ George H. Harris
George H. Harris
Rule Reviewer

Certified to the Secretary of State May 28, 2013.